James S. Harrington
J. S. Harrington
THE FLOWERS COLLECTION
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The Evening Post.

VOL. VI. WILMINGTON, N. C., MONDAY, MAY 20, 1872.

THE EVENING POST.
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W. P. CANADAY.....Business Manager
JAMES O. MANN.....Editor
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All business letters should be addressed to the Business Manager, and all communications or matters relating to the editorial department to the Editor.
Contributions solicited from our friends all over the State, on topics of general interest.

COUNTY.
Sheriff—J. W. Schenck, Jr.
Clerk Superior Court—J. C. Mann.
Register of Deeds—W. J. Bivins.
Coroner—E. D. Hewlett.
Treasurer—Owen Fennell, Jr.
County Examiner—A. R. Black.
Standard Keeper—Wm. M. Harriss.
Commissioners—S. N. Martin, Chairman; E. M. Shoemaker, A. R. Black, John C. Heyer, James A. Lowery.

CITY.
Mayor—James Wilson.
Clerk and Treasurer—T. C. Servoss.
Marshal—W. P. Canaday.
Aldermen—E. R. Brink, James Wilson, I. B. Grainger, Owen Burney, D. Rumley, Wm. H. Thurber, Joseph E. Sampson, John C. Heyer, F. W. Kerchner, R. S. Radcliff.
Capt. of Police—John Fitzgerald.
Health Officer—

FIRE DEPARTMENT.
Chief Engineer—P. M. Rice.
Rankin No. 1—Jno. L. Boatwright, Foreman.
A. Adrian No. 2—C. Teitjen, Foreman.
Cape Fear No. 3—Jas. Richardson, Foreman.
Hook & Ladder No. 1—Roger Moore, Foreman.
Brooklyn No. 4—W. D. Howe, Foreman.

MASONIC.
Wilmington Commandery No. 1—Alf. Martin, E. C.
Council [illegible]—T. R. Carr, Th. I. M.
[illegible]
W. M.

I. O. O. F.
Cape Fear Lodge No. 2—G. M. Allaflar, N. G.
Campbell Encampment No. 1—George P. Beppler, C. P.

KNIGHTS OF PYTHIAS.
Stonewall Lodge No. 1—J. McD. French, W. C.
Clarendon Lodge No. 2—R. S. Radcliff, W. C.
Germania No. 4—W. Behman, W. C.

MISCELLANEOUS.
College Physicians and Surgeons—J. Francis King, M. D., President.
Wilmington Typographical Union No. 82.—Wm. M. Hayes, President.
St. George and St. Andrew Society—Alex. Sprunt, Pres't.
Wilmington Library Association—W. L. Smith, Pres't.
Wilmington Literary Association—W. L. Jewett, President.
Wilmington Building Association—W. L. Smith, Pres't.
Grand Army of the Republic—E. M. Shoemaker, Commander.
Mechanics' Building and Loan Association—Alfred Martin, Pres't.
Cape Fear Building Association—George Chadbourn, President.
Chamber of Commerce—Wm. L. DeRosset, Pres't; J. B. Russell, Sec'y.
Philomathean Association—Rob't Strange President.

ESTABLISHED 1823.
T. W. BROWN,
SUCCESSOR TO
BROWN & ANNDERSON,
DEALER IN
Fine Watches, Clocks,
Jewelry, Silver Ware,
FANCY GOODS.
SPECTACLES TO SUIT ALL AGES.
No. 37 Market Street,
WILMINGTON, N. C.
Watches, Clocks and Jewelry carefully repaired.
nov 5 146-tf

BOOTS,
SHOES
AND
LEATHER.
WE OFFER TO THE PUBLIC THE LARGEST Stock and best assortment of
BOOTS AND SHOES
to be found in the State. Buying of first hands we can give a better class of goods at less price than any house in the city.
Call and examine.
GEO. R. FRENCH & SON.
39 North Front street.
dec 10 156-1y

WM. McLAURIN,
I HAVE MOVED MY PLACE OF BUSINESS to the corner of Eighth and Castle streets. My friends will please take notice.
mar 7 181-tf.

LOCAL ITEMS.

Just received at VanOrsdell's another lot of those Beautiful Walnut Mouldings.

Our directory is not yet complete. We will thank the officers of any public organization for their names for insertion.

We are sorry to learn that Hon. James Heaton was badly injured by being thrown from a buggy last Friday. He will be out in a few days we hope.

City News.

Carrying Home [illegible] with party [illegible]

SUBSCRIBERS.—We have received so large a number of new subscribers that we fear many mistakes will be made by our carriers. Persons who do not receive the paper regularly will please leave word at this office, promptly, that the errors may be rectified.

Under Ground Rail Road is the title of a new work by William Still, published by Porter & Coates, Philadelphia, now being offered for sale by Jas. Danforth, Esq., in the city. It is apparently a publication of the secret workings of that famous old route, now happily in disuse.

Dr. Freeman, of this city has gone to Washington to attend the twenty-ninth anniversary of the American Institute of Homœopathy, which commences to-morrow. We see by examination of the order of exercises, that the doctor is a member of the "Bureau of Organization, Registration and Statistics.

Lippincott's Magazine for June has arrived. It is full of interesting matter, as the following list of contents will show:—Scrambles amongst the Alps during the years 1860-'69. Constantinople—illustrated. Always. The Strange Adventures of a Phæton. Pierre Ronsard. A Draft on the Bank of Spain. "The Great Idea."—Aytoun. Private Art Collections of Philadelphia. Carcassone. London Clubs. Our Monthly Gossip. Literature of the day. For sale by all book and news dealers. Terms—Yearly subscriptions, $4 00; Single numbers 35 cents. Specimen numbers mailed, postage paid, to any address on receipt of 25 cents. J. B. Lippincott & Co., Publishers, 715 and 717 Market st., Phila.

The *Evening Post*, (Wilmington, N. C.,) was established five years ago as a weekly paper, has been gradually increasing from that to Semi-weekly and Tri-weekly, until now it puts in a Daily appearance. *The Evening Post* is issued as a first class Daily Journal at $5 per year, James C. Mann, Managing Editor Wm. P. Canaday, Business Manager. The paper has already established a good reputation, its tone indicates firmness and ability, put forth in a gentlemanly manner; such papers will succeed, will exert their influence, and receive the respect of all honest persons, whether of the same political views or otherwise.

We clip the above from the *Republican and Courier* of New-Berne. We thank Brother Nason for his notice, but we edited the Daily Post in this city for more than a year and all through the exciting State and National campaigns of 1868. Afterwards the Post was published as a semi weekly, and now goes back to its old place as a daily.

Flag Presentation.—The two flags, presented by Major Schenck to the champion club of the State, and won by the Athletics of Wilmington, came off at Heinsberger's this morning at 11 o'clock. The presentation address was delivered by Mr. Toft, who was the umpire of the match game, and was handsomly replied to by Mr. Beauman, the captain of the successful nine. The flags were not as ordered and have been returned to New York for correction. It was a very pleasant affair. Mr. Yates, always up to the times, took a photograph of the winning nine and the spectators, so that copies may be procured. The meeting adjourned after loud and repeated calls for Major Schenck, who failed to respond to the call. These flags are held subject to the challenge of any club in the State, to play a series of games for the flags, but competing clubs had better be in full practice before attempting to play with our athletic Athletics.

The Catholic Fair was a decided success. A large amount of money was realized, and the singing of the Rev. Father White was especially admired by all lovers of song.

The Tenacity of Truth.—When a nation as clear-headed as the Americans once become convinced, from long experience and observation, that an article possesses superior excellence as a medicine, not all the preposterous clamor of all the worthless nostrum venders in the universe can shake their belief in its efficiency. Truth is a very tenacious thing, as these worthies are beginning to discover. Plantation Bitters has too firm a hold upon the popular esteem to be in the slightest degree effected by the cold water diatribes which the advertisers of fermented slops, "without a particle of alcohol," are so fond of launching against alcoholic preparations. The public knows very well that this peerless renovant and tonic does contain spirits, but it also knows that they are of the purest and most wholesome description, viz.: fine old St. Croix, the most active and beneficial diffuser of its remedial and invigorating properties throughout the system which could possibly be adopted.

Pimples on the Face, Eruptions, Blotches, Scrofulous diseases, and all sores arising from impure blood, are cured by Dr. Pierce's Golden Medical Discovery.

THE TOWN CRIER.

—Secure your curb stones.

—M. M. Katz speaks to his customers and others to day.

—Blackfish are plentiful—in the sea. We do not observe many in market.

—New beets are the correct article now for cholera infantum.

—Baulky horses are sad hindrances to a religious turn of mind.

—Third Street is being paved—with sand.

[illegible] form of the social mosaic we have seen sailing from face to face.

—The Revenue Service came out in white yesterday. The officers looked especially fascinating.

—J. S. Williams offers a rare opportunity to persons wishing to purchase Dry Goods "at cost."

—The city is as bright as a Cotton hat today. The rains have been very refreshing, and the present cool breeze is delightful.

—Morning prayer at St. John's Church at 9 A. M., and evening prayer at 6 P. M., all this week.

—C. D. Myers & Co. appear in our columns to-day. A trial of their segars and liquors will convince the most fastidious that they are A 1. We don't drink—unless we're dry—but we have heard of their rare stores before to-day.

—Heinsberger is again on the rampage! His fine art gallery is well worth inspection, and all lovers of the same will be amply compensated by calling and examining his new rooms.

Cape Fear Teachers' Association.—This body has completed the first week of its session very successfully. Five afternoon sessions were held last week at the Williston school house, at which those present were drilled in the common branches, and the improved methods of teaching were discussed. Two evening sessions were held at the same place for singing, listening to speeches and exercises by the children. On Wednesday evening County Examiner Black was present, and addressed the meeting. Friday evening the meeting resolved itself into an old fashioned spelling school, James Bradley and Lottie Gummer chose sides and teachers, and scholars found much enjoyment in the exercise. Prof. McIver and Mr. Black, as well as Mr. Martin, Chairman of the County Board of Education, are very anxious that our citizens should take an interest in this association—the first one attempted in the State, under the new school law. They wish all persons who are thinking of teaching in the public schools in the city or county, to distinctly understand that the standard of examination for teachers is soon to be raised, and that it will not do for them to neglect such an opportunity for instruction as the Teachers' Association offers them. Meetings will be held every afternoon this week, except Saturday, at 3 P. M., and on Wednesday and Friday evenings.

For The Evening Post.

Judge Cantwell's Opinion on the Casting Vote.

Wilmington, N. C., May 16, 1872.

Hon. James Wilson, Mayor, &c.

My Dear Sir:—Of course, I will very cheerfully advise you in regard to the present dead lock in the Board, or any other matter. My opinion is, you are entitled to one vote by virtue of your office as Alderman, and another, and second vote as Mayor under the charter, and I think this latter vote is not discretionary.

A casting vote is defined in Blackstone as follows: "The single vote of a person who never votes, but in case of a tie or the double vote of a person who first votes with the rest, and then, upon an equality, creates a majority, by giving a second vote. 1. B. C. 182, Note 73. The Vice President of the United States, and the speakers of our State Legislatures generally, enjoy the single casting vote. In our State, and perhaps other States, Sheriffs and other returning officers have, what we may call the double-casting vote, in all elections for the General Assembly, and for Congress. I mean, they vote first like other citizens, and then, in case of a tie, they vote again a second time; as such returning officers in one case, or as Sheriff in the very same election in another. *Revised Code, chapters* 52, 69. The practice in our General Assembly is not uniform, the presiding officer is always allowed the single casting vote; and at other times quite as frequently another not casting vote. I speak from recollection, after a service as Principal Clerk of the House, at Raleigh, for several years.

A Speaker's vote depends, as I have said, entirely on parliamentary usage and the rules of order for the time being. These are modified at every session regularly to suit the views of the majority in power. By the Act of 1777, chapter 4, section 6, the returning officers had the single casting vote only, The Sheriffs' double casting vote was first introduced in our law in 1837. *Revised State, chapter* 52, *section* 8. The Vice President is permitted to give a casting vote by the Constitution. In the United States Senate, the President *pro tempore* votes only as a Senator. At least, Judge Story taught me so, when a student at Cambridge.

Private corporations, Boards and municipalities are governed by a different rule. The presiding officer of a Bank or Railroad company for instance, the Mayors or Intendants of cities have no power to vote at all, unless the charter or some other statute gives the right. The bank or city has no power as such to confer a vote on him or to take it away. It is equally clear, that it is not in their power to restrict such vote; if an officer, as an Alderman for example, has a vote as such, "the attempt to restrict his vote, in the case of a tie only, would be illegal and void as repugnant to the charter." You will find this decided in *McCullough, vs. the Baltimore Railroad, 4 Gill,* (Md.) 58. [illegible]

[illegible] Under the charter of our city, it is in fact the office of an Alderman to vote, and to act as Mayor. He has no other duty, and both exist independent of the charter. The Mayor's vote cannot be created by the Board and has no existence, unless created by the charter, or by statute, as is the case in North Carolina by *Revised Code, chapter* 111, *section* 10, giving this right to all Mayors. If it is given by the charter or by the general law, then the Board cannot control it, nor can the Mayor relinquish it. So much by way of explanation. Now the 7th Section of the Charter says, "when there is an equal division upon any question, or in any election of officers (just as there is in your Board to-day) "*the Mayor shall determine the same by his vote.*" That language would seem to be clear enough to any but a profession, whose proper business is said to be, at times to discover other meanings, than the plain obvious one. The section provides, "he," (of course the Mayor) "shall vote in no other case," and it provides that if the Mayor shall be absent, temporarily, the Board shall appoint "one of their own number" to execute his duties at the Board. This of course, gives the Alderman called to the chair, the casting vote, in addition to his other vote. The only escape I see from this conclusion is the suggestion I hear on the street, that this section is repealed by the late law. But that cannot be, because, 1st, the section supposed to be repealed is the only law which prescribes the duties of the Mayor of Wilmington. If that be repealed why then there is no Mayor of Wilmington, or there is one without office or duty under the charter. Now I know our friends at Raleigh, did attempt a great many strange and stupid things last winter, but it is not respectful to presume that when they said they only wanted to change the mode of electing our Mayor, and did increase his qualifications, they intended or did actually abolish the office! But, 2nd, suppose they did, what reply is there to the statute of Towns R. C. C., 111, Art 10, which gives all Mayors of towns and acting Mayors a casting vote? All lawyers agree that the general law is revived and re-instated upon the repeal of the special act. I am of the opinion that it requires a special act of the Legislature to take away the Alderman's vote, when he goes into the Mayoralty. It is obvious, that his main and only office with us, is to vote. Had they intended to take this away, they would have said so, instead of enacting as they have done, that the Mayor shall hereafter be and shall remain an Alderman. If the present Mayor has no vote at the Board, he is no more an Alderman than any other citizen in attendance. Fortunately the new law places this objection at rest. The first section expressly re-enacts all laws heretofore passed, giving the Mayor any authority or power not inconsistent with the act.

These are the reasons I have for the opinion that you are entitled to the double casting vote as Mayor, as well as the other. There are others of a more obvious or political character, and among them may be mentioned that if the acting Mayor be restricted to the single casting vote, one ward will lose half its representation without equivalent; the Board will be reduced from an even number (10) ten, wherein a lock may sometimes arise, to an odd number (9) nine, when a lock or tie-vote is impossible. I am very truly, &c.,

Edward Cantwell.

LATEST BY TELEGRAPH.

From Washington.

Washington, D. C., May 20.

Senate—Mr. Hamlin moved the expulsion of a reporter of the Associated Press from the gallery, who, in a card, charged Conckling with falsehood. Sprague objected and the resolution went over. Both Devine, the reporter, and Conckling, the Senator, have covered themselves with notoriety in the controversy. Devine has the advantage in respect to glory.

From New York.

New York, May 20.

Arrived — Alexandria, from Trinacria, North America.

Arrived out—Hecla.

Capt. Benj. Wright of the Navy is dead.

George Washington, Herse, Commander, bound to New Orleans, has returned, having collided with a coal schooner, which sunk immediately with two of the crew. The Washington lowered her boats and rescued the remainder. The Washington's bow was stove in.

A varnish factory at Hunter's Point was burned; loss $100,000 and three persons hurt.

A letter from Havana shows a growing discontent among the Spaniards with Valmaseda.

A split in the International Society, culminated Saturday after a stormy meeting.

Horace Greeley's uncle died aged 88 years.

From Pennsylvania.

Philadelphia, May 20.

The following are among the losses by the Jaynes' building fire: Wm. W. Harding, Albums, $70,000; H. Leisenring, printer, $120,000; publishers of the Episcopal Recorder, $7000; the National Railway Publication Company, $15,000. Smaller publications also lose.

Terrific Water Spout, Chicago.

A water spout, [illegible] May 20. Terrific rain [illegible] houses and barns [illegible]

Ayer National Farmers Convention. Emory Walker was chosen President and J. R. Fellman of Baltimore, Secretary.

Lexington, May 20.

Auriola won first race; time 1:55¾, 1:54½. Platina won second race; time 1:25. Longfellow won third race; time 6¾. The race was run in a rain storm.

BY CABLE.

Madrid, May 20.

Irritation between France and Spain on account of the French treating fleeing Carlilists. Small conflicts with Carlilists, in disaffected provinces, invariably result in favor of the government.

New York Markets.

New York, May 20.

Stocks very strong. Gold steady at 13¾. Money firm at 6 per cent. Exchange—long, 109⅝; short, 110½. Governments, firm. State, steady.

Cotton quiet, sales of 178 bales. Uplands 21¼; Orleans 21⅝. Flour dull and unchanged. Wheat quiet and unchanged. Corn dull and heavy. Pork quiet—new mess $13 90. Lard steady—steam 9¼@9⅜ cents. Spirits Turpentine easier at 62½ cents. Rosin quiet and nominal—strained $3 60@$3 65. Freights dull.

COMMERCIAL.

WILMINGTON MARKET.

MONDAY, May 20th—2.30 P. M.

Crude Turpentine—Market steady at an advance of 10 cents on soft. Sales of 130 bbls at $4 60 for virgin, $3 60 for yellow dip, and $2 50 for hard, per 280 lbs.

Spirits Turpentine—The sales reported to-day are 376 casks at 54 cents per gallon, for Southern packages.

Rosin—Sales of 764 bbls at $3 30 for strained, $3 25 for extra No. 2, $4 for No. 1, $4 50 a $4 75 for Pale, and $5 50 for extra Pale.

Tar—Only 28 bbls received and sold at $3 30 per bbl.

Cotton—Small sales reported at 22¼ cents per lb.

MARINE.

ARRIVED.

19—Schr Ben, Davis, from New York, to Williams & Murchison.

Stmr Wave, Skinner, Fayetteville, Williams & Murchison.

Stmr Juniper, Smith, Fayetteville, Worth & Worth.

CLEARED.

19—Schr Luola Murchison, Jones, for New York, by Williams & Murchison.

20—Steamer Wave, Skinner, Fayetteville, Williams & Murchison.

Stmr Juniper, Smith, Fayetteville, Worth & Worth.

RECEIPTS.

PER RIVER STEAMERS, &c.

Stmr Wave—143 bbls spts turpt, 155 do rosin, 23 do crude turpt, to Williams & Murchison, Edwards & Hall, S Beatty.

Stmr Juniper—16 bbls spts turpt, 359 do rosin, 14 do tar, to Worth & Worth, A Alderman, Willard Bros, Johnson & Birdsey, Sprunt & Hinson, T D. Love & Co.

EXPORTS.

COASTWISE.

New York—Schr Luola Murchison—112 bbls spts turpt, 2,711 do rosin, 357 bales cotton.

List of Vessels in the Port of Wilmington, N. C., May 20, 1872.

STEAMSHIPS

Lucille, Price, ldg Balt, A D Cazaux
Pioneer, Wakely, ldg Phil, Worth & Worth

BARQUES

(Br) Eliza Avelina, Dowley, ldg Europe, Williams & Murchison
(Ger) Julius, ——, ldg Europe, J R Blossom & Evans
(Ger) Fruhling, Koepa, dis, Willard Bros

BARQUEANTINE

(Br) Elizabeth Taylor, Proctor, dis, Vick & Mebane

BRIGS

(Nor) Rufus, Skare, dis, Heide Bros
J Crosby, Baldwin, ldg —, E Kidder & Son
(Br) Williamine, Bessie, dis, do

SCHOONERS

H E Sampson, Davis, ldg Boston, G G Barker & Co
Segwin, Davis, dis, do
(Br) Carleton, Albury, ldg Nassau, E Kidder & Sons
Ben, Davis, dis, Williams & Murchison
Lucy Wright, Elsley, dis, do

List of Vessels Sailed for this Port.

CUXHAVEN.

Magdelena, Bumegard, cld March 21

GUERNSEY.

Homely, Le Dain, cld April 3

PHILADELPHIA.

(Br) Brig Haidee, McDownell, cld May 11
Schr Rhodella Blew, Van Gilder, cld May 10

NEW YORK.

Brig Electric, Meyer, cld May 12
Schr Ben Davis, cld May 12
Schr Nellie, Orcutt, cld May 13
Sweedish Barque Phoenix, Stromberg, cld May 14

FORTRESS MONROE.

Ca Barque Deer, cld May 10

BOSTON.

Schr Light of the East, Harper cld May 13

A. A. ADRIAN.
ADRIAN & VOLLERS,
WHOLESALE DEALERS IN
Groceries and Liquors,
Importers of German and [illegible]
[illegible] Water Street, Wilmington, N. C.

J. W. SCHENCK, JR., & CO.,
General Commission Merchants & Commercial Agents.
CORNER DOCK & WATER STREETS,
WILMINGTON, N. C.
WILL GIVE PROMPT AND PERSONAL attention to the sale or shipment of Cotton and Naval Stores, Juniper Staves and all kinds of Country produce, &c., &c.
Orders for sale of Produce or purchase of Goods will be promptly attended to, and to the best advantage to our customers.
We are also receiving large consignments of all grades of Liquors which we are prepared to sell at wholesale, at the lowest cash prices.
dec 24 160-tf

S. H. MANNING,
COMMISSION MERCHANT,
AND DEALER IN
Groceries, Provisions, Dry Goods, Clothing, &c, &c.,
No. 22 and 24 North Water Street,
WILMINGTON, N. C.
Consignments and Cash Orders Solicited
nov 23 151-1y

RICHARD N. MOON.
Commission Merchant,
AND DEALER IN
FLOUR, GRAIN,
MILL FEED,
AND
COUNTRY PRODUCE.
Corn Camden & Pratt Sts.
Baltimore, Md.
Orders from North Carolina Solicited.
feb 11 174-tf

PARKER & TAYLOR,
Successors to
A. H. NEFF,
Manufacturers and dealers in
HOUSE FURNISHING GOODS,
No. 19 Front Street,
WILMINGTON, N. C.
Guns, Stoves, Lanterns, Kerosene, Oil Tin and Sheet Iron Ware.
Roofing done at short notice.
Agents for Fairbank's Scales.
nov 19 150-1y

New Store! Old Goods!
GREENEWALD & CO.,
32 NORTH WATER STREET,
Next door to Willard Bro's
WHOLESALE DEALERS IN
LIQUORS, WINES,
BRANDIES, WHISKIES
GINS, &c., &c.,
and all kinds of Fancy Liquors, which we will offer to the trade on the most reasonable terms, as we are receiving large consignments of the best goods in the country.
Please call before making your purchases.
jan 14 166-tf

W. H. DART,
LIPPITT'S BUILDING,
SOUTH FRONT ST.,
WILMINGTON, N. C.,
Plumber, Steam and Gas Fitter,
and dealer in
Wrought and Galvanized Iron Pipes,
Brass Cocks, Valves, Gas Fixtures,
and all descriptions of
FITTINGS FOR STEAM, WATER AND GAS.
Particular attention paid to fitting up of COTTON MILLS, with Steam, Gas and Water.
nov 12 148-tf

J. S. WILLIAMS,
DEALER IN
Fancy and Staple Dry Goods,
Carpets, Mattings, &c.
31 North Front Street,
Wilmington, N. C.

C. R. MAYER,
BAKERY and CONFECTIONERY
34 Market Street,
DEALER IN
FRENCH AND AMERICAN CONFECTIONERY,
FOREIGN & DOMESTIC FRUITS.
Weddings and parties supplied at short notice, with all the delicacies of the season.
nov 5 146-1y